

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GERTRUDE RATHMAN,

07 CV 11589 (PKC)

Plaintiff,

-against-

EMPIRE HEALTH CHOICE ASSURANCE,
INC., d/b/a EMPIRE MEDICARE SERVICES,
THE TRAVELERS COMPANIES,
INC. d/b/a THE TRAVELERS INDEMNITY
COMPANY and PENINSULA HOSPITAL
CENTER,

**NOTICE OF VOLUNTARY
DISMISSAL PURSUANT TO
FED.R.CIV.P. 41(a)**

Defendants.

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PLEASE TAKE NOTICE THAT plaintiff, Gertrude Rathman, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby voluntarily discontinues without prejudice her action in the above captioned matter solely as against defendant Empire Health Choice Assurance, Inc., d/b/a Empire Medicare Services ("Empire"), who not yet served an answer or a motion for summary judgment. Accordingly, the plaintiff's action against defendant Empire is hereby dismissed without prejudice.

Dated: Brooklyn, New York
February 14, 2008

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